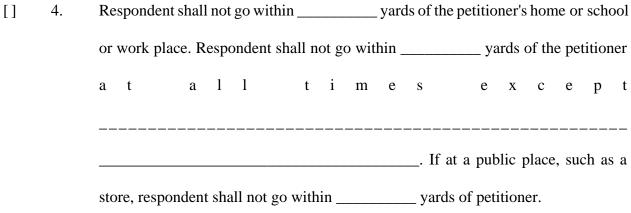
4-963. Temporary order of protection and order to appear.			
Famil	Family Violence Protection Act, Sections 40-13-1 to 40-13-8 NMSA 1978.]		
STAT	E OF N	NEW MEXICO	
COU	NTY O	F	
		JUDICIAL DISTRICT	
		, Petitioner	
v.		No	
		, Respondent	
		TEMPORARY ORDER OF PROTECTION AND ORDER TO APPEAR	
	The c	ourt has reviewed the sworn petition alleging domestic abuse. The court having	
consid	dered th	ne petition, FINDS that the court has jurisdiction and that there is probable cause to	
believ	e that a	n act of domestic abuse has occurred. The court <b>ORDERS</b> :	
[]	1.	Respondent shall not write to, talk to, visit or contact the petitioner in any way except through petitioner's lawyer, if petitioner has a lawyer.	
[]	2.	Respondent shall not abuse the petitioner or the petitioner's household members in any way. "Abuse" means any incident by respondent against petitioner or petitioner's	

household member resulting in (1) physical harm; (2) severe emotional distress; (3) bodily injury or assault; (4) a threat causing imminent fear of bodily injury; (5) criminal trespass; (6) criminal damage to property; (7) repeatedly driving by a residence or work place; (8) telephone harassment; (9) stalking; (10) harassment; (11) harm or threatened harm to children in any manner set forth above.

[]	3.	Respondent shall not ask or cause other persons to abuse the petitioner or the
		petitioner's household members.



[]	5.		shall have temporary physical custody of the
		following child(ren):	

[] 6. With respect to the child(ren) named in the preceding paragraph, [] respondent []

		[]	A.	No contact with the child(ren) until further order of this court and		
				shall stay yards away from the child(ren)'s school.		
		[]	B.	Contact with the child(ren), subject to:		
				·		
[] 7	7.	Neither party shall remove the child(ren) named in the preceding paragraph from the				
		State of New Mexico or disenroll the child(ren) from the child(ren)'s present school				
		during	the per	riod of this temporary order of protection.		
[] 8	8.	The c	ourt ma	ay decide temporary child and interim support at the hearing listed		
		below	. Both p	parties shall bring to the hearing proof of income in the form of the two		
		latest	pay stu	bs or the federal tax returns from the previous year, proof of work		
		related	d day-ca	are costs and proof of medical insurance costs for the child(ren).		
[] 9	9.	[]	A.	Respondent is ordered to immediately leave the residence at		
				and		
				and		

to not return until further court order.

		[]	B.	Law enforcement officers are hereby ordered to evict respondent from the residence at	
		[]	C.	Respondent is ordered to surrender all keys to the residence to law enforcement officers.	
[]	10.	Law enforcement officers or shall accompany  [ ] respondent [ ] petitioner to remove essential tools (as specified in No. 13), clothing, and personal belongings from the residence at			
[]	11.	proper for the to pro	e necess	ty shall transfer, hide, add debt to, sell or otherwise dispose of the other's the joint property of the parties except in the usual course of business or essities of life. The parties shall account to the court for all such changes made after the order is served or communicated to the party. Neither disconnect the utilities of the other party's residence.	

[]	12.	This order supersedes any inconsistent prior order in Cause No.
		and any other prior domestic relations order and domestic
		violence restraining orders between these two parties.
[]	13.	Other:
[]	14.	While this order of protection is in effect, petitioner should refrain from any act that
		would cause the respondent to violate this order. This provision is not intended to
		and does not create a mutual order of protection. Under Section 40-13-6(D) NMSA
		1978, only the restrained party can be arrested for violation of this order.
HEA	ARING	
IT 1	IS FUR	THER ORDERED that the parties shall appear in the
		Judicial District Court, Room, at, before
		, at (a.m.) (p.m.) on (date) for
heari	ing on w	hether an extended order of protection against domestic abuse will be issued. Either
party	may b	ring witnesses or evidence and may be represented by counsel at this hearing.
Resp	ondent 1	may file a Response to the Petition for Order of Protection from Domestic Abuse, see

Form 4-962 NMRA, on or before the hearing. If the respondent fails to attend this hearing, ar
extended order may be entered by default against respondent and a bench warrant may be issued for
respondent's arrest. If petitioner willfully fails to appear at this hearing, the petition may be
dismissed. This order remains in force until,

[] DO NOT BRING ANY CHILDREN TO THE HEARING WITHOUT PRIOR PERMISSION OF THE COURT.

## **ENFORCEMENT OF ORDER**

If the respondent violates any part of this order, the respondent may be charged with a crime, arrested, held in contempt of court, fined or jailed.

## SERVICE AND NOTICE TO LAW ENFORCEMENT AGENCIES

Upon the signing of this order by a district court judge, a law enforcement officer shall serve on the respondent a copy of this order and a copy of the petition.

## A LAW ENFORCEMENT OFFICER SHALL USE ANY LAWFUL MEANS TO ENFORCE

## THIS ORDER.

[]	I have reviewed the petition for ord	er of protection and made recommendations to the district
judge	e regarding its disposition.	
(Sign	red)	Court telephone number
		_
(Title	?)	
SO (	ORDERED:	
Distr	ict Judge	Date and time approved

**USE NOTE** 

- 1. The temporary order of protection and order to appear requires a proof of return of service. The committee has been informed that each local law enforcement agency has its own return of service form that will be used for this purpose.
- 2. Personal service of the temporary order of protection and order to appear will assure that the temporary order is fully enforceable. It is possible that actual notice to the respondent of the content of the temporary order will also suffice to bind the respondent to comply with the order. *Territory of New Mexico v. Clancy*, 7 N.M. 580, 583 (1894).

[Approved, effective November 1, 1999 until July 1, 2001; approved, as amended, effective May 1, 2001; as amended by Supreme Court Order 07-8300-20, effective September 17, 2007; as amended by Supreme Court Order No. 08-8300-40, effective December 15, 2008.]